

AMENDMENTS TO THE DRAWINGS

Please replace the two (2) drawing sheets containing Figs. 1-10 with the attached two (2)

Replacement Sheets.

REMARKS

Claims 35-43, 47, 49, 51 and 52 are pending in this application. Claim 35 is the independent claim. By this Amendment, claim 35 is amended to correct minor informalities and in response to the rejection under 35 U.S.C. §112. Thus, no new matter is added which would require additional consideration and/or search.

Neveu Reference

U.S. Patent 3,961,418 to Neveu was previously applied against the outstanding claims as prior art. However, the reference was not listed on Form PTO-892 and has not been cited previously during the prosecution of the present application. Although the application of the Neveu reference as prior art was improper, to avoid undue delay in prosecution, Applicants addressed the rejections under Neveu. Applicants also requested that Neveu be properly cited in a Form PTO-892 in the next Office Action. However, Applicants have not received a Form PTO-892 properly citing the reference.

Objections to the Drawings

The drawings are objected to for failing to comply with 37 CFR §1.84(p)(5). Specifically, it is alleged that the drawings do not include items “B”, “L”, and “H” recited on page 6, lines 4-5 of the specification.

Section 1.84(p)(5) requires reference characters mentioned in the description to be shown in the drawings. Replacement sheets attached hereto are provided to show items “B”, “L”, and “H”. The items do not represent new matter as the items are recited in the application as originally filed.

As the drawings are amended to address the objection to the drawings, withdrawal of the objection is respectfully requested.

Objections to the Specification

The specification is objected to due to informalities. As the specification is amended to correct the informalities, withdrawal of the objection is respectfully requested.

Claim Objections

Claim 35 is objected to due to informalities. As the claim is amended to correct the informalities, withdrawal of the objection is respectfully requested.

Rejections Under 35 U.S.C. §112

Claims 35-43, 47, 49, 51 and 52 are rejected under 35 U.S.C. §112, first paragraph, for allegedly failing to comply with the written description requirement. The rejection is respectfully traversed.

Independent claim 35 is amended to remove the phrase “the length in the peeling direction of the vegetable peeler is larger than the height of the vegetable peeler” which was added in the June 3, 2008 amendment, thereby rendering the rejection moot.

Moreover, it is alleged that the specification does not disclose a comparison between the length and height and that the figures are not disclosed as being drawn to scale. Applicants respectfully submit that the relative proportions of the vegetable peeler are clearly set forth in the specification and illustrated in the figures. For example, the specification, referring to Figs. 1 and 2, describes the relative proportions of the width, length and height of the vegetable peeler. Additionally, as specific dimensions are not claimed, there is no requirement that the drawings be noted in the specification as being to scale. A person viewing the figures in light of the specification would clearly understand the proportions of the vegetable peeler. Additionally, as all of the claimed features are shown in the figures and supported in the specification, the recitation of relative proportions is not new matter.

As the claims are not rejected over prior art, withdrawal of the rejection and allowance of the claims is respectfully requested.

As the claims are not amended to add additional features that would require further consideration and/or search, entry of the amendment and examination of the revised claims is requested.

CONCLUSION

In view of the above remarks and amendments, the Applicants respectfully submit that each of the pending objections and rejections has been addressed and overcome, placing the present application in condition for allowance. A notice to that effect is respectfully requested.

If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to contact the undersigned.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Donald J. Daley, Reg. No. 34,313, at the telephone number of the undersigned below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

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By: 

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